



4. Defendant Alan E. Lewis was served with a copy of the Summons and Complaint on July 1, 2019.

5. This Notice of Removal is being filed within thirty (30) days after Defendants' receipt of a copy of the Complaint and is timely filed under 28 U.S.C. § 1446(b).

6. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1331 because the allegations contained in Plaintiff's Complaint are based on rights and remedies conferred under the Fair Labor Standards Act of 1938, 29 U.S.C. § 207, et seq. ("FLSA"). Specifically, Plaintiff asserts that she and others similarly situated to her are entitled to damages because Defendants allegedly "did not pay [them] all of the wages they were entitled to receive under 29 U.S.C. § 207(e) and 29 C.F.R. §§ 778.108, 778.109." Complaint at 5-6. Thus, this is a civil action over which this Court has original "federal question" jurisdiction under 28 U.S.C. § 1331, in that the action arises under the Constitution, laws, or treaties of the United States.

7. Furthermore, the Court has supplemental jurisdiction over Plaintiff's state law claims. 28 U.S.C. § 1367(a). Plaintiff's federal claims and state law claims arise from the same case or controversy because they both stem from Plaintiff's allegations that Defendants failed to pay her overtime in violation of the FLSA. Therefore, this Court has supplemental jurisdiction over Plaintiff's state law claims. 28 U.S.C. § 1367(a).

8. All Defendants consent to this removal.

9. This Notice of Removal is being filed in the District of Massachusetts, the District Court of the United States for the district and division within which the State Court Action is pending. 28 U.S.C. §§ 1441(a) and 1446(a).

10. Attached hereto as Exhibit A is a true and correct copy of the Summons and Complaint, and constitutes all pleadings and orders received by Defendants in the State Court Action to the present date. See 28 U.S.C. § 1446(a).

11. A true and complete copy of this Notice of Removal has been served this day on the Clerk of the Suffolk Superior Court for filing in accordance with 28 U.S.C. § 1446(d). A

copy of the Notice of Filing of Notice of Removal is attached hereto as Exhibit B, the original of which is being filed with the Suffolk County Superior Court Civil Clerk.

12. This Notice of Removal and a Notice of Filing of Notice of Removal have also been served this day via first class mail upon Plaintiff.

WHEREFORE, Defendants respectfully request that the State Court Action be removed and hereinafter proceed in the United States District Court for the District of Massachusetts.

Respectfully submitted,

GRAND CIRCLE TRAVEL, INC., MARK C.  
FREVERT, ALAN E. LEWIS,

By their attorneys,

/s/ Melissa L. McDonagh

Anthony D. Rizzotti (BBO No. 561967)  
Melissa L. McDonagh (BBO No. 569023)  
Francis J. Bingham (BBO No. 682502)  
One International Place, Suite 2700  
Boston, MA 02110  
Phone 617.378.6000  
Fax 617.737.0052  
arizzotti@littler.com  
mmcdonagh@littler.com  
fbingham@littler.com

Dated: July 18, 2019

**CERTIFICATE OF SERVICE**

I, Melissa L. McDonagh, hereby certify that, on this 18th day of July, 2019, the foregoing Notice of Removal was filed electronically through the ECF system, is available for viewing and downloading from the ECF system, and will be sent electronically to counsel of record as registered participants identified on the Notice of Electronic Filing, via first class mail to all non-registered participants identified on the Notice of Electronic Filing and via first class mail upon plaintiff's counsel of record:

Brook S. Lane  
Brant Casavant  
FAIR WORK, P.C.  
192 South Street, Suite 450  
Boston, MA 02111

/s/ Melissa L. McDonagh  
Melissa L. McDonagh

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